

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK O. FRANKLIN, SR.,
Plaintiff,
vs.
CALIFORNIA CORRECTIONAL
INSTITUTION, et al.,
Defendants.

1:05-CV-00524-REC-SMS-P

ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS

(DOCUMENTS #2, #5, #8 & #9)

Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff has submitted a declaration that makes the showing required by § 1915(a). Accordingly, the request to proceed in forma pauperis will be granted. 28 U.S.C. § 1915(a).

Pursuant to 28 U.S.C. § 1915(b)(1), enacted April 26, 1996, plaintiff is required to pay the statutory filing fee of \$250.00 for this action.¹ Plaintiff has been without funds for six months and is currently without funds. Accordingly, the court will not assess an initial partial filing fee. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments of 20 percent of the preceding month's income credited to plaintiff's prison trust account. These payments shall be collected and forwarded by

¹ The statutory filing fee for all civil actions except applications for writs of habeas corpus is \$250.00. See 28 U.S.C. § 1914(a).

1 the appropriate agency to the Clerk of the Court each time the amount in plaintiff's account exceeds
2 \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

3 In accordance with the above, IT IS HEREBY ORDERED that:

4 1. Plaintiff's request for leave to proceed in forma pauperis is granted.

5 2. Plaintiff is obligated to pay the statutory filing fee of \$250.00 for this action. The fee
6 shall be collected and paid in accordance with this court's order to the Director of the California
7 Department of Corrections filed concurrently herewith.

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10 IT IS SO ORDERED.

11 **Dated: June 14, 2005**
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/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE